

**STATE WATER CONTROL BOARD ENFORCEMENT ACTION
AMENDMENT TO
SPECIAL ORDER BY CONSENT
ISSUED TO
KING GEORGE COUNTY SERVICE AUTHORITY
FOR
DAHLGREN DISTRICT WASTEWATER TREATMENT PLANT
PERMIT NO. VA0026514**

SECTION A: Purpose

This is an Amendment to a Consent Special Order (“Amendment”) issued under the authority of Va. Code §62.1-44.15(8a) and (8d) by the State Water Control Board to King George County Service Authority (“County”), for the purpose of revising certain provisions of that Consent Special Order (“Order”) issued by the State Water Control Board to the County regarding the Dahlgren wastewater treatment plant (“WWTP”) on June 30, 1997, and amended January 22, 1999, and September 20, 2000.

SECTION B: Basis for Amendment

1. In relevant part, the Order required that the County complete construction of the upgrade and expansion of the WWTP and achieve compliance with final Permit effluent limits by December 31, 2001.
2. Construction of the first phase of the upgrade and expansion is in progress, but the County did not complete construction as scheduled and did not meet the December 31, 2001 deadline for compliance with final Permit effluent limits for ammonia. DEQ NVRO staff met with representatives of the County on June 27, 2001. At that meeting, County representatives explained that the construction schedule has been delayed because the

County had incorporated additional enhancements into the design of the upgrade and expansion and that the County's review and approval of the revised design for the upgrade and expansion and the necessary loan approvals had taken longer than planned. Finally, the County determined that it needed to complete the construction of the upgrade and expansion in two phases in order to continue to operate the WWTP while the construction of the upgrade and expansion proceeds. The phased construction adds additional time to the construction schedule as initially proposed in January 1999. In a letter dated July 2, 2001, the County requested that the December 31, 2001 compliance date be extended. At that time, the County anticipated that the WWTP would achieve compliance with final Permit effluent limits for ammonia by December 31, 2003.

3. DEQ advertised the proposed amended Order for public comment on November 5, 2001. Because of the number of comments received during the public comment period, DEQ removed the proposed amended Order from the agenda of the Board's December meeting in order to address those comments.
4. In the meantime, the County employed a new consulting firm that proposed additional revisions to the design of the upgrade and expansion of the WWTP. The additional revisions were incorporated, in part, to ensure that the WWTP achieve compliance with final Permit effluent limits for copper, selenium, and zinc which became effective in March 2002. The revisions included, among other things, enhancing the WWTP's biological nutrient removal process in the first phase of construction, moving the WWTP's outfall from Williams Creek to Machodoc Creek, and increasing the WWTP's design flow to .5 million gallons per day ("MGD") in Phase I and to 1.0 MGD in Phase II. DEQ staff met with representatives of the County on March 12, 2002 and June 20, 2002 to discuss the revised plans. At the June meeting, County representatives anticipated that with the revised design the WWTP would achieve compliance with final Permit effluent limits for ammonia, copper, zinc, and selenium by August 1, 2004 and requested that the compliance date be extended accordingly. Construction of Phase I of the upgrade began on March 15, 2002. The cost of the upgrade and expansion is estimated at \$6,700,000.00.
5. During the months of January through March 2001, the WWTP exceeded interim effluent limits for ammonia. The DEQ issued a warning letter on March 26, 2001, and Notices of Violation on April 11, 2001, and May 10 2001, notifying the County of the exceedences. The exceedences were caused by operation and maintenance problems at the WWTP. The County has corrected the problems, and the WWTP is now in compliance with interim effluent limits for ammonia.
6. Therefore, the State Water Control Board and the County agree that it is appropriate to

amend the Order as described below.

SECTION C: Agreement and Order

Accordingly, the State Water Control Board, by virtue of the authority granted it in §62.1-44.15(8a) and (8d), orders the County and the County agrees to perform the actions described in Appendix A of this Amendment and comply with the interim limits described in Appendix B of this Amendment, which supercedes Appendix B of the Order as amended September 20, 2000. Both the State Water Control Board and the County understand and agree that this Amendment does not alter, modify, or amend any other provision of the Order and that unmodified provisions of the Order remain in effect by their own terms.

The County also agrees to pay a civil charge in the amount of \$4,200 within 30 days of the effective date of the Amendment. Payment shall be made by check, certified check, or money order, or cashier's check payable to "Treasurer of Virginia" and sent to:

Receipts Control
Department of Environmental Quality
Post Office Box 10150
Richmond, Virginia 23240

Either on a transmittal letter or as a notation on the check or money order, the County shall indicate that this payment is submitted pursuant to this Amendment and shall include the County's Federal Identification Number.

And it is so ORDERED this day of _____, 2002

Robert G. Burnley, Director
Department of Environmental Quality

King George County Service Authority voluntarily agrees to the issuance of this Amendment.

By: _____

Date: _____

Commonwealth of Virginia
City/County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2001, by
_____, who is _____, on behalf
of King George County Service Authority.

Notary Public

My commission expires: _____

APPENDIX A
Schedule of Compliance

King George County Service Authority shall:

1. By March 15, 2002, begin construction of Phase I of the WWTP's upgrade and expansion;
2. By February 28, 2003, complete construction of Phase I of the WWTP's upgrade and expansion in accordance with plans and specifications approved by the Virginia Department of Health ("VDH") and DEQ;
3. By April 1, 2003, begin construction of Phase II of the WWTP's upgrade and expansion;
4. By August 1, 2004, achieve compliance with final permit effluent limits; and
5. Operate the WWTP in a manner that ensures that it produces the best quality effluent of which it is capable during the construction of WWTP's upgrade and expansion.